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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,588	12/17/2001	Carl Kah JR.	P/3426-21	5952
2352	7590	11/08/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			HWU, DAVIS D	
			ART UNIT	PAPER NUMBER

3752

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/015,588	KAH ET AL	
	Examiner	Art Unit	
	Davis D. Hwu	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 14-33, 37-39, 43-46, 50-52, 56-59 and 61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10, 13, 34, 35, 47, 48, 60 and 64-66 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 36, 40-42, 49, 62 and 63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 34 and 65 are rejected under 35 U.S.C. 102(b) as being anticipated by Riblet.

Riblet shows rotary driven sprinkler comprising:

a stationary sprinkler housing assembly for receiving a supply of water;

a nozzle housing assembly mounted for rotation on top of the sprinkler housing assembly;

a nozzle 44 mounted in the nozzle housing assembly for distributing a flow of water away from the sprinkler; and

a flow shut off valve 36 mounted in the nozzle housing which is rotatable around an axis which extends longitudinally within the housing to throttle or shut off the water flow to the nozzle.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 8-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zukas in view of Christen.

Art Unit: 3752

Zukas discloses a sprinkler assembly for receiving a supply of water and directing water therefrom, comprising:

a nozzle housing 20 having a flow path formed therein for directing a flow of water received in the sprinkler assembly and a water stream cutlet 48 through which water flowing through the flow path exits the sprinkler assembly;

a nozzle 50 mounted in the stream outlet for distributing water from the sprinkler assembly;

a sleeve valve 92 disposed in the nozzle housing flow path for throttling or shutting off flow to the nozzle, the sleeve valve having an opening and configured to intersect the flow path upstream of the nozzle; and

an indicator 62 on the nozzle housing as recited in claim 10.

Christen teaches a rotating sprinkler comprising a nozzle which is removable for easy removal when necessary. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Zukas by replacing the nozzle of Zukas with a removable nozzle as taught by Christen in order to be able to easily remove the nozzle when necessary. The sleeve being conically-shaped as recited in claim 13 would have been an obvious matter of design choice since such a modification involves a mere change in the shape of a component which is generally recognized as being within the level of ordinary skill in the art.

5. Claims 35, 47, 48, 60, 64, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riblet in view of Christen.

Riblet discloses a sprinkler assembly for receiving a supply of water and directing

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water therefrom, comprising:

a nozzle housing 50 having a central axis and a flow path therein for water received in the sprinkler assembly, the flow path having a main portion extending along the central axis of the nozzle housing and an angled portion 25 defining a water stream outlet passage through which water flowing through the flow path exits the sprinkler assembly;

a nozzle 27 mounted in the outlet passage for distributing water from the sprinkler assembly; and

a valve 36 disposed in the nozzle housing flowpath, the valve being movable between open and closed positions to control water flow to said angled portion of the nozzle housing flow path, the valve being so constructed and configured that the parts thereof which control the water flow when the valve is not in the open position are substantially completely displaced from the nozzle flow path when the valve is in a fully open position.

Christen teaches a rotating sprinkler comprising a nozzle which is removable for easy removal when necessary. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Riblet by replacing the nozzle of Riblet with a removable nozzle as taught by Christen in order to be able to easily remove the nozzle when necessary.

Allowable Subject Matter

6. Claims 11, 12, 36, 40-42, 49, 62, and 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 703-305-1663. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Davis Hwu